

BIGFORK LAND USE ADVISORY COMMITTEE
Minutes August 28, 2014
4:00 PM Bethany Lutheran Church – ARK Building

Chairwoman Mitchell called the meeting to order at 4:00 p.m.

Present: Board members: John Bourquin, Susan Johnson, Joyce Mitchell, Al Johnson, Jim Bonser and Lou McGuire. Secretary: Gwen Sutherland Public: 3 members of the public. Flathead County Planning and Zoning: 4 members and County Attorney: Tara Fugina.

The agenda was adopted (m/s, A.Johnson/Bourquin, unanimous)

The minutes of the May 29, 2014 meeting were approved (m/s, Bourquin/A.Johnson, unanimous)

Administrator's Report and Announcements:

Sign-in sheet passed around. Planning and Zoning website announced for all documents regarding minutes, agendas and applications. Website: flathead.mt.gov/planning-zoning/documents.

Public Comment:

There was no public comment.

Planning and Zoning Comment:

Tara Fugina, Flathead County Attorney addressed the BLUAC Board regarding the process for application clarification. She suggested that conducting site visits to an applicant's property may not be appropriate. If there are concerns or questions regarding any application or Findings of Fact, they should be addressed in a more formal structure and directly to Planning and Zoning.

Mr. Bonser, Mr. Bourquin and Mr. Johnson questioned the value of public testimony and personal research including on-site visits. B.J. Grieve suggested that an informal on-site visit has the appearance of impropriety. He urged members of the Board to contact Planning and Zoning if they have a question, concern or certain knowledge regarding an application. He suggested that the BLUAC board think of themselves as judges, look at the Findings of Fact that are presented and make recommendations to Planning and Zoning. If a BLUAC member thinks something has been missed in the application, he or she should notify Planning and Zoning directly.

Chairwoman Mitchell urged all BLUAC members to be diligent in their concerns and questions and direct them to Planning and Zoning.

Application:

FZV-14-01 Eric and Marcia Reimers: A request by Eric and Marcia Reimers for a Zoning Variance to property within the Bigfork Zoning District zoned R-4 (Two-Family Residential). The applicant is requesting a variance to Section 3.12.040(3)(A), "Bulk and Dimensional Requirements", (front and rear setbacks for a principal structure), of the Flathead County Zoning Regulations. The property is located at 247 Beach Road.

The applicant was represented by Ron Incoronato, a Montana contractor. Al Johnson, Chairwoman Mitchell and John Bourquin announced that they have each had a business relationship in the past with Mr. Incoronato and asked if there were objections to them listening to the application. There were no objections.

Eric Mack, Planning and Zoning presented the Findings of Fact. He presented positive and negative findings and stated that all criteria could be met and modified. He stated there were three written comments from the public and they were all favorable.

Al Johnson had a question on Finding #6 regarding economic hardship caused by a reasonable alternative.

Chairwoman Mitchell asked Mr. Incoronato to speak for the Applicant.

Mr. Incoronato said he is a neighbor as well as the contractor for the project. He felt it did not make economic sense to tear out the area adjacent to the garage, build a second garage or add a second story. He felt that the improvements and landscaping that had previously been done on the property has been well received by the neighbors and the addition of a 14x22 garage will have a low impact.

Joan Cummings, President of the Homeowners Association, said that she speaks for the neighbors and they are in favor of the addition.

There were no public agencies present. There was no additional public comment. There was no additional Staff response.

Chairwoman Mitchell requested a motion to adopt the Findings of Fact. (m/s, McGuire/Bonser. Nay, Al Johnson/Bourquin)

Al Johnson questioned Finding #1-not a reasonable alternative to the variance.

Lou McGuire withdrew her motion.

There was a discussion among the members regarding strict compliance of the zoning code may not be reasonable, particularly related to Findings of Fact #1 and #6.

The motion to adopt Findings of Fact was restated for clarification and voted upon.

BLUAC adopted Findings of Facts #2-5 and #7-9 excluding #1 and #6 because the alternatives are not reasonable. (unanimous)

Ms. Cummings thanked BLUAC for their careful decision making process.

Al Johnson asked Planning and Zoning and the county attorney for policy clarification. John Bouquin requested the presence of the County Attorney, Tara Fugina, at a future meeting. She said she would be happy to attend and will make arrangements with BLUAC members in the near future.

There was no old business. There was no new business.

Chairwoman Mitchell moved to adjourn the meeting at 4:52 p.m. (m/s, A.Johnson/Bourquin, unanimous)

Respectfully submitted,

Gwen Sutherland, Secretary